

Russell Steele - 4/9/10

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1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE EASTERN DISTRICT OF TEXAS  
3           MARSHALL DIVISION

4           PATTY BEALL, MATTHEW      )  
5           MAXWELL, TALINA MCELHANY  )  
6           AND KELLY HAMPTON,        )  
7           individually and on behalf)  
8           of all other similarly    )  
9           situated;                 )  
10           Plaintiffs,                )  
11           vs.                        ) 2:08-cv-422 TJW  
12           TYLER TECHNOLOGIES, INC. )  
13           AND EDP ENTERPRISES, INC. )  
14           Defendants.              )  
15           \*\*\*\*\*

16           ORAL DEPOSITION OF  
17           RUSSELL STEELE  
18           APRIL 9, 2010  
19           \*\*\*\*\*

20           ORAL DEPOSITION OF RUSSELL STEELE, produced as a  
21           witness at the instance of the Defendants and duly  
22           sworn, was taken in the above-styled and -numbered cause  
23           on the 9th day of April, 2010, from 9:17 a.m. to  
24           12:35 p.m., before Brenda Fleming, CSR in and for the  
25           State of Texas, reported by machine shorthand at the  
          offices of Morgan, Lewis, & Bockius, LLP, 1717 Main  
          Street, Suite 3200, Dallas, Texas 75201-7347, pursuant  
          to the Federal Rules of Civil Procedure and the  
          provisions stated on the record.

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1 APPEARANCES

2 FOR THE DEFENDANTS:

3 Ms. Farin Khosravi  
4 MORGAN, LEWIS & BOCKIUS, LLP  
5 1717 Main Street  
6 Suite 3200  
7 Dallas, Texas 75201-7347  
8 (214) 466-4146 (telephone)  
9 (214) 466-4001 (facsimile)

10 FOR THE PLAINTIFFS:

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

8 Ms. Laureen F. Bagley  
9 SLOAN, BAGLEY, HATCHER & PERRY  
10 101 East Whaley Street  
11 Longview, Texas 75606  
12 (903) 757-7000 (telephone)  
13 (903) 757-7574 (facsimile)

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15 1 Consent to opt in signed by 11  
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1 computer monitor and everything set up there, or would  
2 you pull up yours?

3 A. No. They would have their own.

4 Q. So INCODE is actually on their machine,  
5 correct?

6 A. That's correct.

7 Q. So then you would sit with them next to their  
8 computer and train them on INCODE, correct?

9 A. That's correct.

10 Q. Okay. So that's what I'm trying to understand.

11 So now I'm with you up to that point. From there how  
12 did you decide what to train them with? How did you  
13 know -- say, Farin, me, I'm one of the city employees  
14 court employees, and you are here to train me today.

15 How do you get started? Do you need to find out what I  
16 know, what I don't know? How do you determine what to  
17 train me on?

18 A. Prior use of the software of my experience with  
19 the city -- because I used INCODE with the court --  
20 actually allowed me to tell them: You have an  
21 administrative side. The administrative side controls,  
22 say, the fee tables, what you're going to charge on the  
23 citation, what you're going to -- what offenses are you  
24 going to write within -- you know, the State of Texas  
25 has a specific list of things that they actually tell

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1 you, you can write tickets for, for moving violations.

2 The city also has ordinances that they write tickets

3 for, that if you violate those city ordinances.

4 Q. Did you have to know those? I don't know

5 those. Did you have to know those in order to do this

6 training?

7 MS. BAGLEY: Object to form.

8 A. I didn't have to know those, no.

9 Q. Okay. So that didn't matter. All you were  
10 doing was training them on -- then what were you  
11 training them on?

12 MS. BAGLEY: Object to the form of the  
13 question.

14 A. I was training them on the use of the software:  
15 Where they would enter a ticket, the different fields  
16 that they have for the different -- the citation would  
17 have fields on it that the officer had written in.

18 Q. Date, name?

19 A. Date, name, offense, whatever it might be. You  
20 transferred that into the INCODE system in the fields  
21 they provided.

22 Q. So would the person you are training be sitting  
23 there with an actual paper ticket incorporating that  
24 data onto software?

25 A. Yes.

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1 Q. So you're training them on how to incorporate  
2 the information on the actual paper copy of the ticket  
3 into the various fields in the INCODE software?

4 A. Right.

5 Q. That's what you were training them on?

6 A. Yes.

7 Q. So you would tell them, for the date, you need  
8 to go to this portion of the database and enter it there  
9 and then press enter? Is that -- again, I'm trying to  
10 understand.

11 A. The fields were similarly in the same place.

12 If it pertained to a person's appearance -- brown eyes,  
13 brown hair, whatever it might be -- those fields are on  
14 the same page. And they coordinate, you know, kind of  
15 in the same place on the ticket. So they're not on  
16 different screens, but they're within the same place.

17 Q. In this example of teaching them how to  
18 incorporate the information from the various fields on  
19 the paper copy of the ticket into the electronic fields  
20 on the INCODE software, how long did that take you to  
21 do, to train them on that particular aspect of the  
22 software?

23 A. On that particular? It was ongoing throughout  
24 the week, because they would forget or they would need  
25 additional training. That one lasted all week. Just,

1 how do you do this again? How do you do that again?

2 Q. So other than this particular type of training

3 that you described for me, what else would you train

4 them on? So that was one, one type of training.

5 A. Citation issuance -- or not citation issuance.

6 Citation entry, warrant issuance. And basically if you

7 didn't do something with your citation, you were issued

8 a warrant for failure to appear before the judge. That

9 process, I trained them on that.

10 Q. Was that, again, how to enter the information

11 from a paper document onto the software?

12 A. No.

13 Q. No?

14 A. No.

15 Q. What was that then? What did that entail? So

16 that was different from the first one you described for

17 me?

18 A. Yeah. The citation, you have a paper document

19 in your hand. In the State of Texas all the court

20 clerks knew that the State of Texas had a special -- had

21 a way of actually processing the warrants. So you

22 understood by what the state gave you as to what you

23 needed to do in order to issue warrants and why you

24 needed to issue warrants for those citations. All the

25 court clerks knew that, or they were supposed to know

1 that.

2 Q. Okay.

3 A. So when it would come time for me to know -- or  
4 for me to train them on the issuance of those warrants,  
5 I would ask them: How do you issue warrants? What is  
6 your procedures on issuing warrants? This is what the  
7 software does. What do you do?

8 Q. What if the two didn't match, if the two  
9 criteria -- if her criteria didn't match what the  
10 software was set up for?

11 A. Then they try to figure out -- you know, I just  
12 told them, This is what the software's designed to do.  
13 If you are not following this, then you may discuss this  
14 with your finance director and find out why. Maybe  
15 you're not -- maybe there's something you're doing that  
16 the state's not doing. I would refer them back to the  
17 state's procedures.

18 Q. Just to make sure I'm understanding  
19 correctly -- and you may actually interrupt me if I'm  
20 not saying it correctly so you can clarify.

21 INCODE was designed pursuant to certain  
22 state laws to do something with respect to the warrant  
23 issuance? And when you are talking to the clerk telling  
24 them that the warrants will be issued based on INCODE  
25 using these criterias, the person you are training might

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1 say, Well, that's not how I do them.

2           Was that typically because the laws were  
3 different? Why would there be that discrepancy?

4           MS. BAGLEY: Object to the form.

5           A. The developers of INCODE, they do their thing  
6 on how they actually get the information from the State  
7 of Texas, you know, how they -- how they wrap their  
8 software around what the State of Texas --

9           Q. Requires?

10          A. -- requires. So that's basically -- and it was  
11 all set up before. I didn't tell the developers or  
12 anybody anything on how to do their job, because by the  
13 time I started training on it, it was already to a point  
14 to where those are the fields that the state -- it was  
15 never an issue.

16          Q. It was a live system? It was up and running by  
17 the time you got there?

18          MS. BAGLEY: Object to the form.

19          A. It was a training system by the time I got  
20 there. It was installed. There was data that we  
21 entered manually, normally, like citations. And then we  
22 played with the citations. And then the project  
23 manager, or somebody on that side, would take the system  
24 live.

25          Q. So you were doing the training before the

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1 There really wasn't any kind of agenda. We just went  
2 and trained. You know, we started off with the -- not  
3 the database, but the -- we started off with entering  
4 citations, which was the most common thing on a  
5 day-to-day operations. And then you moved on from  
6 there, the life of a citation to the process.

7 Q. So I'm understanding this correctly, there  
8 wasn't an actual document with you where you were  
9 sitting there looking at it going: Number one, I need  
10 to teach her how to enter citations. Okay.

11 It didn't work that way?

12 MS. BAGLEY: Object to form.

13 A. Not that I recall. I don't remember doing  
14 anything like that.

15 Q. Because that's my question to you. I'm trying  
16 to figure out how is it that you knew how to train them.  
17 You didn't have a document that you had prepared prior  
18 to your trip up there?

19 A. Right.

20 Q. You didn't prepare anything that prepared you  
21 for the actual training? It was all in your head?

22 A. Yes.

23 Q. And when you got there with the personnel,  
24 again, you didn't have a document, an agenda, item  
25 numbers 1 through 10, going across and checking those

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1 off; or did you?

2 A. I don't recall.

3 Q. Now, when you were teaching them as to how to  
4 enter the citations, did you have a document with you  
5 that you would flip through and read in order to try to  
6 train them? Or, again, it was all your knowledge that  
7 you were training them on?

8 A. Right. Previous experience with the software.

9 There was nothing that I had that marked everything off.

10 Q. I understand now.

11 And what if they asked you questions, did  
12 you just -- during your training was this an interactive  
13 process, where if they asked you questions, you would  
14 then work through it with them?

15 A. Yes. I would tell them what the software is  
16 designed to do. And if they asked me any legal  
17 questions as of what is it supposed to be, I would refer  
18 them back to their city attorney or their city finance  
19 director, whoever it might be.

20 Q. And, again, when they are asking you questions,  
21 they're interrupting you. Let's say you are showing  
22 them how to enter a citation. And they go, Oh, Rusty,  
23 wait, but I don't know how, you know, X, Y, and Z will  
24 play out.

25 You would then show them right then and

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1 there to answer their question, or no? Would you go  
2 grab a document and turn to the page that said, If they  
3 ask this, then this is the answer you give?

4 A. No, there was no document. It was just, we  
5 would go ahead, and if they had a question about the  
6 software, we would -- I would tell them, This is how you  
7 do it.

8 Q. And this was based on your knowledge having  
9 worked with the software previously?

10 A. That's correct.

11 MS. BAGLEY: Object to the form.

12 Q. I think I'm understanding now.

13 So that was initially when you went on  
14 board with INCODE. And you said your position was a  
15 trainer?

16 A. I'm trying to remember exactly what my title  
17 was.

18 Q. And I don't care about the title.

19 Functionality-wise, is that what you did, you trained?

20 A. Yes.

21 Q. Did it change in any way after that?

22 A. The title changed. The position -- the  
23 functionality did not.

24 Q. Okay. So your title changed. It became  
25 something else. Do you remember what your title became?

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1 THE WITNESS: Okay.

2 MS. BAGLEY: Almost, well, two hours.

3 (Break from 10:54 to 11:06)

4 Q. (By Ms. Khosravi) Rusty, I want to make sure  
5 you realize that you are still under oath even though we  
6 took a break.

7 A. Yes.

8 Q. Since we took a break, do you have any changes  
9 to any of the answers that you've given previously that  
10 you need to make?

11 A. One of the things I didn't clarify on was, that  
12 I can remember, in the applications that I actually did,  
13 that I actually trained on -- the miscellaneous  
14 applications, the court application -- those  
15 applications rarely had a conversion with them.  
16 Sometimes they had a conversion.

17 Q. I have no idea what that means, Rusty.

18 A. A conversion?

19 Q. Uh-huh.

20 A. You are converting from the previous software  
21 that the city had to the INCODE software. So you are  
22 taking data from one software, and you are trying to  
23 convert it to the fields of the INCODE software.

24 Q. You are saying you did have input with  
25 conversion of data, or you did not?

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1       A. I would verify data with the conversions. If  
2 there was a conversion, I would verify. When I would be  
3 on site, when I would go onto the city's site, I would  
4 have my contact point. And if there was a conversion  
5 that was involved, then I would say, Well, here's the  
6 data. This is what we converted. We need to look it  
7 over and make sure it looks okay to you.

8       Q. So you had -- in this situation you would have  
9 converted data to the new software?

10      A. I didn't do the conversion.

11      Q. Yeah. Who would have?

12      A. I guess the developers. The project manager  
13 would actually obviously take ahold of all that and tell  
14 the developer, We're doing a conversion. And then the  
15 developer does -- I don't know what they do as far as  
16 the conversion. But I would get on site on Monday, or  
17 whenever it was, and any conversion that had taken  
18 place, I would verify the data with the city personnel.

19      Q. So somebody at Tyler would say, Rusty, we did a  
20 conversion. And so you knew a conversion of documents  
21 had taken place?

22      A. A conversion of data had taken place, yes.

23      Q. Of data. Excuse me.

24      A. That's correct.

25      Q. So when you got on site, you would review the

1 data to make sure it was converted correctly into  
2 INCODE?

3 A. Yes.

4 Q. What does that process entail?

5 A. I'll give you an example. We had -- let's say,  
6 if it was accounts receivable. There are customers that  
7 obtain or are billed for, you know, for the city mowing  
8 their yard or what have you. They owe the money to the  
9 city for some reason, some service that the city  
10 provided. And now the city is trying to collect it.  
11 You are trying to receive that debt.

12 If there was a conversion involved, then  
13 the customer's name, the customer's mailing address, the  
14 city, state, ZIP codes were in certain fields in the old  
15 software. Therefore, when they convert, they need to be  
16 in the same fields in the new software.

17 And I would review that data with the  
18 customer.

19 Q. Would you do it when you were there for  
20 training?

21 A. Yes.

22 Q. Okay. Go on.

23 A. Verifying conversion data would happen first  
24 before you ever started doing training. And once you  
25 got to a point to where you thought the conversion was

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1 okay and the data is okay and basically the customer  
2 signed off on it, then you went ahead and did your  
3 training.

4 Q. Let me interrupt one second.

5 How long did this reviewing of conversion  
6 take place? Because in my mind, this is what I'm  
7 imagining, because I don't know anything about this  
8 conversion process. I'm imagining you would have to  
9 click on every invoice or every -- you are talking about  
10 weeds, for example, being high. Let's see.

11 Would you be going through every invoice  
12 and document that is on the system to verify all those  
13 information is correct?

14 A. No.

15 Q. How is it done?

16 A. You took a random sampling --

17 Q. Sampling?

18 A. -- of some of the customers.

19 Q. And how did that happen? Is there a computer  
20 statistical program that does that?

21 A. No.

22 Q. How did you take a random sample?

23 A. You would take maybe a customer that the city  
24 employee is familiar with, maybe they always mow their  
25 yard. Maybe --

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1 Q. So you would ask the personnel to suggest --

2 A. Right.

3 Q. -- which ones to look at?

4 MS. BAGLEY: Object to the form.

5 Let him finish his answer.

6 A. So you would ask the city personnel: Do you  
7 know of somebody who is always getting a citation for  
8 high grass and weeds? And you know that this is a good  
9 mailing address for them and you know them maybe on a  
10 personal level or you know them enough that you know  
11 what their data should be or what their address  
12 information should be.

13 I would ask them to get that  
14 information -- or look at this particular customer. And  
15 they would tell me yea or nay, that it looks like it's  
16 correct, the fields are on the correct place.

17 And that's what I mean by verifying with  
18 the customer the data.

19 Q. And how many of these samples would you take  
20 randomly?

21 A. That depends on how big the conversion was. If  
22 it's a really big customer, you might take a little bit  
23 more customers, just to make sure you have a good  
24 sampling of it. It just depends. Kind of a judgment  
25 call on the city employee's part of how many they think

1 they need to look at before they go on.

2 Q. Would you say five, six, 10, 20, 50? I'm  
3 trying to get a sense as to how long this would go on.

4 A. Normally you would have somewhere between maybe  
5 30 to 60 customers that you look at, because there might  
6 be somebody that had something different than what  
7 you're not used to.

8 Q. So what happens if you are looking at this and  
9 all of a sudden you notice that, oh, wait, in the  
10 previous software it had the home address in this field,  
11 and now we've got garbage in this field? It didn't  
12 transfer.

13 A. Right. You would write those down. You  
14 wouldn't obviously call the person, call your project  
15 manager for every, you know, everything that's missing.  
16 You would basically call -- you would write something  
17 down, This is the fields that don't look right.

18 Q. On a piece of paper?

19 A. On a piece of paper. And -- or, you know,  
20 whatever it might be. And you would relay those to the  
21 project manager. And the project manager would then get  
22 to whoever their developer or whoever it is that did the  
23 conversion. And they would tell you -- you know, they  
24 would -- you'd basically go to the project manager. The  
25 project manager goes to their place. And it just goes

1 example of an issue that they would tell you about.

2 A. If it's during the courts, they would call and  
3 say, How do I issue a warrant?

4 Q. Using the INCODE software?

5 A. That's it.

6 Q. And you would walk them through how to --

7 A. -- issue a warrant based on my training that I  
8 had received while observing the veteran trainers.

9 Q. Any of the calls assigned to you were not  
10 questions regarding how to use the system and were, in  
11 fact, questions about something that wasn't working  
12 properly?

13 A. Normally, no, because that's hardware, and that  
14 would be the INCODE side, hardware side. Their IT  
15 department would handle those.

16 Q. You said "normally, no." So was it possible  
17 that sometimes you got a call, and they told you, Look,  
18 INCODE is not doing what it's supposed to. I keep doing  
19 this, and it's not letting me through.

20 Did you have calls like that?

21 A. I would have calls like that because they were  
22 mislabeled by the receptionist.

23 Q. Okay. So how would you handle those calls  
24 then?

25 A. I would tell the customer it got mislabeled as

1 a municipal court call. Then I would -- there's a place  
2 on there, you can tell it, it's either municipal court  
3 or it's hardware. You would tell it it's hardware. You  
4 would switch it, basically, from municipal courts to  
5 hardware, and then you would assign it to one of the  
6 hardware guys. Or you would just put it back in the  
7 queue, and one of the hardware guys would pick it up.

8 Q. So you would just tell the client that somebody  
9 else was going to give them a call?

10 A. That's correct. Somebody with more knowledge  
11 than I had.

12 Q. Okay. On the support side, when you were  
13 answering these calls or you were calling the clients  
14 back, your role was just to, again, train them, but off  
15 site, as to how to accomplish a goal that they were  
16 trying to accomplish?

17 A. On the support side they had a specific issue.  
18 They had a specific issue that they had a problem with.  
19 When you're on site, they don't know how to use the  
20 software.

21 Q. So you just train them on the whole thing?

22 A. You train them on the whole thing when you're  
23 on site. With the calls you had coming in, they had one  
24 issue. And it lasted anywhere from, you know, seconds  
25 to minutes.

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1 Q. And, again, you helping them through that issue  
2 was based on your initial training, having observed a  
3 veteran trainer, and the information that was in your  
4 head?

5 A. It was mainly -- well, I was trained prior,  
6 when I worked for the City of Watauga on INCODE, through  
7 their trainer.

8 Q. Through INCODE's trainer?

9 A. INCODE's trainer. When INCODE came into the  
10 City of Watauga, their trainer trained me on it. From  
11 that training -- of course, I didn't have INCODE at  
12 Southlake, so I didn't have to do anything over there.

13 When I started working with INCODE, I took  
14 the training that I received from the first trainer that  
15 I, you know, talked to with me, with the other veteran  
16 trainers that I was going out on site with.

17 Q. I guess what I'm trying to -- I'm trying to  
18 imagine you sitting there answering these calls. You're  
19 not sitting there with, you know, a 10-page document.  
20 And they tell you, I'm trying to -- what did you say --  
21 get a warrant ready?

22 A. Issue a warrant.

23 Q. Issue a warrant. You wouldn't then look at the  
24 index: Warrant, Page 10. And then based on a piece of  
25 document, walk them through it. That's not how you did

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1 it?

2 A. Well, that's not how I did it, but those pieces  
3 were available. They had --

4 Q. For the users?

5 A. For the users. There were help documents that  
6 they could use if they wanted to. They didn't always  
7 help them out.

8 Q. Why didn't they -- if they had those, why were  
9 they calling you and not going to the documents?

10 A. Because I knew their -- if I had trained them  
11 prior, they knew that I knew their software, and I had a  
12 rapport with them. Therefore, they learned better from  
13 me than from the documents themselves.

14 Q. Back to the number of hours we were talking  
15 about. Let's try to explore that a little bit further.

16 So sitting here today, having opted into  
17 the lawsuit, you are seeking compensation for anything  
18 that you worked beyond 40 hours per week, correct?

19 A. That's correct.

20 Q. How many hours did you work beyond 40 on a  
21 weekly basis on average?

22 A. On average?

23 Q. Unless you can sit there and go week by week  
24 for me and tell me how many hours.

25 A. No. That's impossible for me. My memory ain't

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1 that good.

2 Probably anywhere from --

3 MS. BAGLEY: Do you need some time to  
4 think about it?

5 A. Average? 40-hour week?

6 Probably anywhere from 10 to 15 hours,  
7 average.

8 Q. Now let's talk maximum/minimum. During your  
9 employment with Tyler, what was the minimum number of  
10 hours that you worked in a week?

11 A. The minimum number of hours that I worked in a  
12 week, 40. Because if I wasn't training on site, I was  
13 doing support. And if I wasn't doing support, I was  
14 going over scenarios of what the trainers had gone over  
15 when I had gone on site with them. Just kind of get  
16 some notes together.

17 Q. Tell me about the scenarios again.

18 A. Well, they're just notes, like the notes that I  
19 got from the trainers.

20 Q. When you were getting trained?

21 A. When I was getting trained. Just kind of  
22 refreshing my memory on what to look for or what to see.

23 Q. What to identify as a problem when you're  
24 there?

25 A. Right. Or what to make sure the customer is

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1 aware of.

2 Q. Okay.

3 A. Right. If my memory -- it's not that good, but

4 I want to say I probably recorded 40 hours every week.

5 Q. Okay. That's the minimum that you are  
6 estimating?

7 A. That I recall.

8 Q. Okay.

9 A. Maximum? Probably 70 hours in a week.

10 Q. And how many times during your employment with  
11 Tyler are you saying you worked 70 hours in a week?

12 A. That normally happened when I had traveled from  
13 DFW Airport, and I had to, say, go to, let's say, to  
14 California. Where it doesn't take but -- you know, if  
15 you go to San Antonio, it takes 30 minutes on a flight  
16 or an hour on a flight to get there. California, you  
17 had to make stops on Southwest. That's usually who we  
18 took. And getting there, there's times when I would  
19 leave my house at 8:00, and I wouldn't get there until  
20 11:00 o'clock at night.

21 Q. Let's talk about your traveling time. You told  
22 me previously that before going onto a client's site,  
23 other than making your travel arrangements, you said you  
24 didn't do any preparations for the actual training,  
25 right? Do you remember that testimony?